

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT DROP,
Plaintiff,

v.

TRENT ALLEN,
Defendant.

Case No. 22-cv-04436-RMI

ORDER TO SHOW CAUSE

Petitioner, a California prisoner, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state criminal conviction. It does not appear from the face of the petition that it is without merit. Therefore, good cause appearing, the Court hereby issues the following Orders:

- (1) The Clerk of Court must serve a copy of this order and the Petition upon the Respondent and the respondent's attorney, the Attorney General of the State of California, and include a copy of the "consent or declination to magistrate judge jurisdiction form."
- (2) The Clerk must electronically serve a copy of this order and the petition and any exhibits thereto upon the respondent and the respondent's attorney, the Attorney General of the State of California, at the following e-mail address:
SFAWTParalegals@doj.ca.gov.
- (3) No later than sixty days from the date of this Order, Respondent shall file with this Court and serve upon Petitioner an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer all portions of the state

1 record that have been transcribed previously and are relevant to a determination of the
2 issues presented by the Petition. If Petitioner wishes to respond to the Answer, he shall
3 do so by filing a Traverse with the court and serving it on Respondent within thirty
4 days of his receipt of the Answer. If he does not do so, the Petition will be deemed
5 submitted and ready for decision on the date the Traverse is due.

6 (4) No later than sixty days from the date of this Order, Respondent may file with this
7 Court and serve upon Petitioner a motion to dismiss on procedural grounds in lieu of an
8 Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules
9 Governing Section 2254 Cases. If Respondent files such a Motion, Petitioner shall file
10 with the Court and serve on Respondent an Opposition, or Statement of Non-
11 Opposition, to the Motion within thirty days of its receipt, and Respondent may file
12 with the court and serve on Petitioner a Reply within fourteen days of receipt of any
13 Opposition.

14 (5) Requests for extensions of time are not favored, however, reasonable extensions will
15 be granted. Any motion for an extension of time must be filed no later than three days
16 prior to the deadline sought to be extended.

17 **IT IS SO ORDERED.**

18 Dated: January 18, 2023

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21 ROBERT M. ILLMAN
22 United States Magistrate Judge
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